

Appl. No.: 10/083,053

Response to Office Action of February 22, 2006

**Amendments to the Claims:**

Please amend claims 1, 3, 9, 11, 16, 17, 19, 20, 22, 23 and 24 and cancel claims 2, 10, 15, 21, and 25-27 as shown in the following listing of claims. This listing of claims will replace all prior versions and listings of claims in the application:

1. (currently amended) A data rate controller system for providing control instructions ~~to a plurality of channels on corresponding channel devices operating on~~ for a network, the system comprising:

~~at least one a plurality of channels, providing statistical information about the associated channel signal~~ each channel having at least one associated encoder;

~~at least one coder provided for running at a certain data rate on each channel device; and~~

~~a central controller for interacting with the plurality of channels, operable to receive wherein statistical information, including lost-frame-rate information, about each channel signal is used by the central controller, operable to determine the a type of eoder encoder that should be run on each channel device based on said statistical information, with the central controller sending and operable to send a control instruction to each channel to facilitate implementation of the eoder determined encoder.~~

2. (cancelled)

3. (currently amended) The data rate controller of Claim ~~2~~ 1, wherein the central controller determines if the lost-frame rate is above a set limit, and generates the control instruction based upon this condition.

4. (original) The data rate controller of Claim 3, wherein the control instruction causes a lower-rate encoder to be used on at least a portion of the channels.

5. (original) The data rate controller of Claim 4, wherein the lower rate encoder is determined to fit within the processor resources of the channel.

Appln. No.: 10/083,053

Response to Office Action of February 22, 2006

6. (original) The data rate controller of Claim 5, wherein the lower-rate encoder is determined to fit within the resources of the network.

7. (original) The data rate controller of claim 4, wherein the control instruction causes a lower packetization interval to be used on at least a portion of the channels.

8. (original) The data rate controller of Claim 3, wherein the set limit is approximately two percent.

9. (currently amended) ~~The A data rate controller system of Claim 1, wherein the~~  
for providing control instructions for a network, the system comprising:

a plurality of channels, each channel having at least one associated encoder; and

a central controller operable to receive statistical information includes at least, including a jitter estimation, about each channel, operable to determine a type of encoder that should be run on each channel based on said statistical information, and operable to to send a control instruction to each channel to facilitate implementation of the determined encoder, wherein the central controller determines if the estimated jitter is above a set limit, and generates the control instruction based upon this condition.

10. (cancelled)

11. (currently amended) The data rate controller of Claim ~~10~~ 9, wherein the control instruction causes a lower-rate encoder to be used on at least a portion of the channels.

12. (original) The data rate controller of Claim 11, wherein the lower rate encoder is determined to fit within the processor resources of the channel.

13. (original) The data rate controller of Claim 12, wherein the lower-rate encoder is determined to fit within the resources of the network.

Appln. No.: 10/083,053  
Response to Office Action of February 22, 2006

14. (currently amended) The data rate controller of Claim ~~10~~ 9, wherein the set limit is approximately 50 msec.

15. (cancelled)

16. (currently amended) ~~The A~~ data rate controller system of Claim ~~15~~, wherein the ~~system resource utilization includes at least~~ for providing control instructions for a network, the system comprising:

a plurality of channels, each channel having at least one associated encoder; and

a central controller operable to receive statistical information, including call discriminator events, network congestion information and processor congestion information, about each channel, operable to determine a type of encoder that should be run on each channel based on said statistical information, and operable to send a control instruction to each channel to facilitate implementation of the determined encoder.

17. (currently amended) The data rate controller of Claim 16, wherein the central controller determines ~~a eoder~~ an encoder that can support the call in light of the system resource utilization, and generates the control instruction based upon this determined ~~eoder~~ encoder.

18. (original) The data rate controller of Claim 17, wherein the control instruction causes a lower-rate encoder to be used on at least a portion of the channels if the network congestion is high.

19. (currently amended) The data rate controller of Claim 17, wherein the control instruction causes a lower complexity ~~eoder~~ encoder to be used on at least a portion of the channels if the processor congestion is high.

20. (currently amended) A data rate controller system for providing control instructions ~~to a plurality of channels on corresponding channel devices operating on~~ for a network, the system comprising:

Appln. No.: 10/083,053  
Response to Office Action of February 22, 2006

~~at least one~~ a plurality of channels with means for detecting background noise conditions;  
~~and means for providing channel resource utilization and associated network utilization~~  
~~information for each channel, each channel having at least one associated encoder;~~

~~at least one coder provided for running at a certain data rate on each channel device; and~~

~~a central controller for interacting with the plurality of channels, operable to determine if~~  
~~wherein the background noise conditions and the resource and network utilization information,~~  
~~from each channel are greater than a set level, are used by the central controller operable to~~  
~~determine the select a type of coder encoder that should be run on each channel device based on~~  
~~said determination, with the central controller sending and operable to send a control instruction~~  
~~to each channel to facilitate implementation of the selected encoder coder.~~

21. (cancelled)

22. (currently amended) The data rate controller system of Claim ~~21~~ 20, wherein the set level is approximately -45 dBm.

23. (currently amended) ~~The A~~ a data rate controller system ~~of Claim 20~~ for providing control instructions for a network, the system comprising:

a plurality of channels with means for providing network utilization information for each channel, each channel having at least one associated encoder; and

a central controller operable to determine a type of encoder that should be run on each channel based on the network utilization information for each channel, and operable to send a control instruction to each channel to facilitate implementation of the selected encoder, wherein the control instruction facilitates facilitates upspeeding the ~~coder~~ encoder if the network utilization is low.

24. (currently amended) The data rate controller system of Claim 23 further comprising means for providing channel resource utilization information for each channel,

Appln. No.: 10/083,053

Response to Office Action of February 22, 2006

wherein the control instruction facilitates using a more complex ~~adder~~ encoder if the resource utilization information is low.

25-27. (cancelled)